



**PUBLIC RECORDS**  
**OFFICE OF THE RECORDS ACCESS OFFICER**  
Martin J. Walsh, Mayor

February 21, 2019

Sarika Ram  
[59241-05164161@requests.muckrock.com](mailto:59241-05164161@requests.muckrock.com)

Re: August 9, 2018 Public Records Request

Dear Sarika:

The City of Boston (City) has received your request for public records from the Office of Human Resources (OHR). This response applies only to records that exist and are in the custody of the City. See *A Guide to the Massachusetts Public Records Law*, p. 32, n.115. It is expected that a custodian of records must use her superior knowledge of her records with respect to responses to public records requests. 950 CMR 32.04(5). Specifically, you requested:

*All ADA grievances from January 2018 to the date this request is processed.*

Government records custodians are permitted to redact or withhold portions of public records, so long as a specific exemption to the law is cited. See G. L. c. 4, § 7 (26). There are two (2) records responsive to your request; however, your request is denied as both records are exempt from disclosure pursuant to both the first and second clause of the privacy exemption to the public records law. G. L. c. 4, § 7 (26) (c). The first clause of exemption (c) permits withholding records that contain personnel information. The responsive records consist solely of reports prepared by OHR in response to complaints. These records contain information useful in making employment decisions regarding the employees identified in the records. The records are also exempt pursuant to the second clause of exemption (c). This clause applies to information that consists of intimate details of a highly personal nature. Such records are exempt unless the public interest in disclosure outweighs the privacy interest. The responsive records contain allegations made voluntarily by City employees. There is also public policy purpose for permitting such complainants confidentiality in an effort to encourage such reports and cooperation with subsequent investigations.

The first withheld record consists of a report regarding an allegation of discrimination and harassment based on a protected class and based on a medical condition related to a disability. Based on the investigation, the City found no finding of a policy violation based on disability.

In the second reported complaint, there were counter claims made between two employees. One employee [employee A] verbally notified his supervisor of an offensive and demeaning statement based on race made by another employee [employee B] and which was directed at the complainant. The employee [employee B] who made the offensive statement and admitted it to his supervisor, also verbally reported to his supervisor that the complaining employee [employee A] had made remarks about him being “slow.” In the process of the

investigation, Employee B stated that those remarks made him very angry because he has a cognitive disability. The matter was investigated and the City found no violation of the policy relative to disability. However, employee A was corrected, coached and counseled as to ensuring professional and respectful conduct and behavior.

You may appeal this response to the Supervisor of Records in the Office of the Secretary of the Commonwealth. G. L. c. 66, § 10A (c); G. L. c. 66, § 10(b)(ix); 950 CMR 32.08; 950 CMR 32.08(1)(h) (in petitioning the Supervisor, the requester shall provide a copy of such petition to the records access officer associated with such petition). You may also appeal to the Superior Court. 950 CMR 32.06(3)(c).

Very truly yours,



Shawn A. Williams, Esq.  
Director of Public Records  
Records Access Officer